CF 100 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

Single Bench

W. P. NO. 157 OF 2005

PETITIONER

Akhil Pandey, S/o Shri Manharan Lal Pandey, aged about 42 years, R/o near Bihari Talkies, High Court Road, Bilaspur, Tahsil and District Bilaspur (Chhattisgarh)

VERSUS

RESPONDENTS

1. Prabandh Sampadak, Prakash Maheshwari, Navbharat Karyalay, Navbharat Nikunj, Ramdaspeth, Nagpur – 440 072 (Maharashtra)
2. Prabandhak, Dainik Navbharat, Bus Stand Road, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)
3. Collector, District Bilaspur (C.G.)
4. Tahsildar, Bilaspur, Tahsil and District Bilaspur (Chhattisgarh)

P.R. No. 5017/05 Bilaspur
Presented by Shri ASI
dated 22/12/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

XI-HC-78

(40)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.157 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

02.03.2005

Shri Manindra Shrivastava, Sr. Advocate with Shri Afroz Khan, for the petitioner.

Heard on admission.

The submission of learned counsel for the petitioner is that the labour Court, Bilaspur in case No.8/I.D.A/2002 (Ref.) passed an award in favour of the petitioner directing his reinstatement with full back wages and all benefits within a period of 60 days. It is further submitted that aggrieved by the award, respondents no.1 and 2 preferred a writ petition before this Court vide W.P.No.887 of 2003. It is also submitted that the aforesaid writ petition is pending. However, there is no stay granted by the High Court in the said writ petition against the award passed by the Labour Court. It is further submitted that respondents no.1 and 2 have not complied with the mandatory provisions of section 17-B of the Industrial Disputes Act 1947. It is also submitted that the Deputy Labour Commissioner in the Office of Labour Commissioner, Chhattisgarh has sent a requisition to the Collector Bilaspur for recovery of amount as arrears of land revenue payable to the

(47)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -२-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner in compliance of the aforesaid award dated 11.09.2002. The Collector, thereafter, has transferred the case for recovery of the amount to Tahsildar, Bilaspur and the Tahsildar, Bilaspur has initiated the proceedings as back as on 19.06.2003, but the proceedings are lingering in the said Court and no substantive orders are being passed. Referring to Annexure P-5, learned counsel for the petitioner submits that a memo in this regard was issued by the Tahsildar on 08.08.2003.

This Court was inclined to call for the records of the earlier petition to see as to whether any order of stay etc. has been passed or not, but in view of the statement made at the Bar that no stay order has been passed by this Court in the earlier writ petition and this Court is free to pass any order, the same is not being called.

Shri Bhaskar Pyashi, Panel Lawyer for the State is also appearing for respondents No.3 & 4.

A limited prayer is made by the learned counsel for the petitioner that this petition be disposed of with a direction to respondents no.3 and 4 to complete the proceedings of execution at the earliest so that the petitioner who is an unemployed person

(48)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

may get some relief on the basis of the award dated 11.9.2002 passed in his favour. This prayer is not opposed by counsel for respondents no.3 and 4.

In the opinion of this Court, no notice is required to be sent to respondents no.1 and 2 so far as the said limited prayer is concerned. Hence this court directs that if the proceedings pertaining to Annexure P-5 have not been finalized/disposed of by respondent no.4 till date then respondent no.4 shall try to dispose of the proceedings as early as possible preferably within a period of six months from the date of receipt/production of certified copy of this order before him. A copy of this order alongwith an application shall also be filed before respondent no.3/Collector, Bilaspur who will monitor the functioning of respondents no.4 and see that the order passed by this Court is complied.

With the aforesaid direction, this petition stands finally disposed of.

C.C. as per rules.

Sd/-
Satish K. Agnihotri
Judge

9.3.05 Read 9.3.05